

**Dayton Planning Board  
Buda Subdivision Site Walk  
and Public Hearing  
June 19, 2018**

**Members Present:** Dan Plourde, Darren Adams, John Boissonnault, Shannon Belanger

**Town Employees Present:** Jim Roberts (CEO), Linda Bristol (Secretary),  
Selectman Dan Gay

**Public Present:** Peter and Joan Warren, Mark Chabot, Jason Buda, Dennis and Heidi Buda, Dan Yarumian, Christy Norton, Keith Harris, Daniel Buda, David and Susan Paul, Yvonne Shaw, Robin Howard, Ed and Sarah LeBlanc, Lisa and Steve Morse

**Administrative:**

Meeting Minutes were read from June 5, 2018. Darren Adams made a motion to accept the minutes and John Boissonnault seconded the Motion. All voted in favor.

**Old Business:**

A Site Walk and Public Hearing were held for the proposed Buda family subdivision.

The Site Walk was opened by Chairman Dan Plourde at 6:00 PM.

Dan stated that the house we are looking at will be torn down and that we will take a walk down through the tote road to see the proposed building lots.

Dan Yarumian said we are at the corner of Lot 2 which has the gravel pit and a road. The road is not used for access. Lot 1 where we came in is all field. He said we can walk down through and mentioned that Lot 4 is pretty big and has room for houses.

Keith Harris asked if the markers indicate the house lots and Dan Yarumian said yes.

Marlene Buda made a few comments that the grandchildren and great grandchildren of Anna Buda Grant are all heirs to 130 plus acres. Their grandparents, Leo and Rose Buda lived here. There were no wills and it has been a mess. Nobody could solve the issues. She said that now they are trying to settle everything as a family so that the taxes can be paid by the seven owners. Originally there were 15 heirs, but now there are seven due to some buyouts.

Dan Yarumian noted as we were walking that we were at the end of Lot 3 and beginning of Lot 5.

We continued down the tote road to the corn field and all the markers for lots were

pointed out.

Joan Warren said that they are in favor of the family getting this resolved and going forward.

Dan Plourde stated the Site Walk was what we expected.

We then went back to the Dayton Town Office to hold the Public Hearing.

Chairman Dan Plourde opened the Public Hearing at 7:05 PM.

He stated that we would open the Hearing for questions and comments or concerns with the Site Walk.

David Paul said that he was wondering about the road and the huge expense it will involve. He would like to know how that fits in with the plan including bringing in utilities.

Dan Plourde said that the owners of the property bear the cost of the road and utilities.

David Paul asked if they are prepared to do that and Dan Plourde said that is what they are telling us.

Robin Howard asked if this includes the entrance to Buda Road and Dan Plourde said that is not a part of the subdivision.

Susan Paul asked if it could be explained if there will be seven homes in the subdivision and the size of the homes.

Marlene said each lot is more than five acres and they qualify for a house and Dan Plourde said if the owner wants to subdivide he will have to come back to the Planning Board.

David Paul asked if there was a time limit or can they sell immediately.

Jim said when approved, they can divide, but have to come back to the Board.

Dan Plourde noted that the road improvements need to be done before any building permits can be issued. This applies to Anna's Way.

David Paul said focusing on the road, will there be electricity, cable, water and sewage.

Dan Plourde said there will be electricity, their own water and sewer. We can't require cable.

Marlene noted that after the fourth house that the road has to be up to town standards.

David Paul asked if the seven owners are there owners who plan to sell.

Jim said he didn't know that that has any relevance.

Yvonne asked if Anna's Way is a town or private road and Marlene said that it is private.

Jim said that in the future it could become a town road.

David Paul asked when Buda Road would come into play with the town. He is concerned with the entrance.

Dan Plourde told him that a new entrance would need to be addressed with the Board of Selectmen. It is not a Planning Board issue.

David Paul noted that it is a terrible intersection going to a subdivision.

Marlene said that Dearborn Construction owns the land by the intersection.

David Paul again said that it is a concern.

Jim said that the Selectmen are talking to Ron Dearborn. We can't do anything now.

Dan Plourde stated that there is a concern, but we have no control.

Ed LeBlanc stated that with pressure the Selectmen could change it.

Jim said that he and the Selectmen have talked with Ron Dearborn about the road.

Ed said that this is something that you need to change.

Dan Gay said he has talked with the Planning Board and the code guy. His efforts have been relayed. It is being addressed and he thinks a positive resolution will come to pass.

David Paul said they would like to be clear. Initially on the first two lots they just need a driveway off Buda Road. And, asked if the third house would require a two-lane road. The road off the first two lots off Anna's Way need to be 12 feet wide.

Dan Plourde said the third house would require a 20-foot road.

Dan Plourde asked if there were any more questions or comments from the public. As there were none, he closed the Public Hearing. He stated that the Board would now review with the applicants.

Marlene began going over the information sent to them. She said that Article 8 says that they still owe \$350 more and wants to make sure they don't owe another \$350.

Dan Plourde said they are up to date. We are all set.

Marlene said that Letter D states that the town of Buxton was not notified.

Jim said Buxton was notified by the Planning Board.

Marlene said there are some notes marked "TBD." Is the Planning Board addressing those.

Dan said the Board will address.

Marlene asked if in-law apartments are allowed and Shannon said these are single family homes.

Jim stated that in-law apartments are allowed, but it needs to be put on the notes of the subdivision plan that in-law apartments are allowed.

Marlene said they would like to have in-law apartments.

Shannon said the Board can check on that and let you know what you need.

Marlene said there will be more than seven lots.

Shannon stated that the plan scale is 1" equals 150 feet. It needs to be 1" equals 100 feet, but we could vote on a waiver. John made a motion to grant the waiver and Darren seconded it. All were in favor.

Shannon asked about monumentation and Dan Yarumian said that it will be on the final plan.

Shannon next addressed that there needs to be 10 percent of open space. They have three acres set aside and it needs to be determined if that is sufficient.

Marlene said the open space they have set aside leads to the river so nobody would be locked out from going down to the river.

Dan Plourde said it will be up to the Planning Board if three acres is enough.

John made a motion to accept three acres as a common area. Darren seconded the motion. All were in favor.

Shannon asked if there is an agreement in relation to maintaining the open space.

Marlene said that they are going to meet with the tax assessor to allocate the open space for tax purposes. The Road Maintenance Agreement for Anna's Way will address the

open space.

Shannon noted that problems can come up with open space when lots are sold.

Marlene said it will be shown on the deeds.

At this point, Dan Plourde said we still had a lot to go over and told Steve and Lisa Morse that the Board would not be able to hear them tonight. They will come to the meeting on July 17<sup>th</sup>.

Marlene said that Lot 2 will have a driveway off Buda Road and Lot 3 will have a driveway off Anna's Way and Shannon noted that the Code requires that driveways go off the less travelled way. John made a motion to allow a driveway off Buda Road for Lot 2 and Darren seconded the motion. All were in favor.

Marlene said Article #6 states that the Plan must note when the house is going to be removed.

Jim stated that it has to be removed before any houses are built.

Dan Plourde noted that he did not see any drastic contour changes.

Shannon said there were some missing tests and Dan Yarumian said that he has them.

Jim asked if there is public access to the cemetery and Dan Yarumian said that there is.

Shannon noted that some test pits are pretty low in the deeper areas and Dan Yarumian said three were done on Lot 1.

Shannon asked about septic systems and Dan Yarumian said septic systems can be put in but not in wetlands.

Dan Plourde said that we need to clarify if they are allowed in the setback from the wetlands.

Marlene said the deeds need to be looked at to see if the common area is addressed. She will forward to Jim.

Shannon stated that the abutters across from Buda Road need to be shown on the map and Farrington Way should also be noted.

Shannon noted that the abutting road should be on the Plan and asked if Buda Road is a speed limit road.

Dan said that it is not.

Shannon said there are some concerns as to the road design as to soil sedimentation and storm water. They need to be detailed on the Plan. Will also need details as to road width, shoulders, etc. as the road gets built.

Jim said that a typical cross section should be included on the Plan.

Dan Yarumian said that they have it written out.

Shannon also said that drainage, storm water and the culvert under the road should be noted.

Dan Yarumian noted that there are wetlands on Lot 4 with cattails growing. Any drainage there will need a culvert.

Jason said there is no culvert now and that the water drains on the Lot 3 side. It needs to be reswaled.

Jim said this might be an issue later.

Marlene asked if it could be addressed when somebody builds and Dan said that it could.

Jason asked if they could be swaled on both sides and Dan Yarumian they could if that is the best solution.

Shannon said that we would need a statement from the builder so it doesn't flow into an abutter.

Dan said that as you build you can create more.

Shannon stated that normally an analysis is done as to where the water is going.

Marlene said they know it is an issue, but may not come up for 20 years. She asked if it can be addressed when a person comes in for a building permit for Lots 3 and 4.

Dan noted that it would be something for the engineer to show that the road is being drained correctly.

Jim said that if this were a developer, the town would need money in escrow. However, because this is a family, it is different and we are trying to work with you.

Shannon noted that Lots 3, 4, 5, 6, and 7 should be restricted from getting permits until on the Plan showing 12 foot and 20-foot roads. After, Lot 5 or 6 will need an engineer.

Dan said lots 5, 6, and 7 need engineering for storm water.

Darren noted that this will affect all lots.

John said that you can do the engineering now or later, but it will need to be done.

Dan said that lots 3 and 4 need 20-foot roads.

Darren said an engineer doesn't need to get involved for that.

Dan said we can waive engineering.

Christy asked if she builds first on Lot 6 what is needed for the road and Dan said 12 feet.

Dan stated that the way it is now that no building permits can be allowed until the road is done. He noted that once the third lot wants to build they might as well engineer the whole thing.

John said absolutely because you either go through it now or later.

Dan said that the first two lots on Buda Road don't come into play. He also noted that they need to consider bringing power down there and need to talk with CMP.

Shannon said there is a pole at the corner of Lots 2 and 4.

Dan said they could bring the power overland for Lots 3 and 4 and then go underground.

Dan asked that they come up with a statement on the Plan that once the third lot on Anna's Way that road requirements are needed.

Shannon and Jim noted they will need to contact the DEP for site location and that Saco River Corridor takes care of any land within 500 feet of the river which would involve lots 5 and 7. They will need to get a permit from them. Also, they will need to get a permit from the DEP.

Shannon stated that site location from the DEP is applicable to the whole subdivision because the subdivision is over 20 acres.

Jim said that the DEP's biggest concern will be storm water.

Marlene asked what the performance guaranty that can't be waived.

Dan said that is the Road Maintenance Agreement.

Shannon said that the high water line should be considered for Lots 5 and 7 and Dan Yarumian said that it is.

Shannon said that the Code states that you can't use a common name for a road.

Jim noted that the town has road with common names.

Dan said if this is going to be a problem, they may want to consider changing the name of Anna's Way.

Marlene said it is on all documents and would be a lot of work to do.

John made a motion to waive the name requirement because we common name roads in town already. Darren seconded the motion and all were in favor of waiving Article 11.

Shannon said we need to look at the other checklist for a final decision.

Marlene said that they have agreed to sprinklers in the house and to a hammerhead. John made a motion to allow sprinklers instead of a holding tank and Darren seconded the motion. All were in favor.

Dan noted that the first two lots need a turnaround.

Shannon noted that wetlands should be stayed away from.

Jim asked if you can get to the building envelope without crossing the wetlands.

Shannon asked if it is the setback of no disturbance or building setback and Jim said it would be the building setback.

Dan Yarumian said that the building set back didn't state no disturbance.

Shannon said there should be a note stating no disturbance within 25 feet of wetlands unless the DEP says you can.

Shannon said that the Board will consider for preliminary approval at the next meeting.

Dan said if everything is done, it should go through.

Dan Yarumian asked if a preliminary or final plan is needed.

Dan Plourde said preliminary, but could be final.

It was agreed that the Buda's will come back before the Board at the July 31, 2018, meeting in order to give them time to get everything done.

#### **New Business:**

None discussed.



**Other Business:**

None discussed.

Darren made a motion to adjourn and Shannon seconded it. The meeting adjourned at 9:00 PM. The next meeting will be on July 17, 2018, at the Dayton Town Office. The Morses will be on the agenda.

Linda Bristol Date: 7/17/18

Linda Bristol, Secretary

Dan Plourde Date: 7-17-18

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor

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